



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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86 Chambers Street  
New York, New York 10007

March 27, 2018

**VIA ECF**

Honorable William H. Pauley III  
United States District Judge  
United States District Court  
500 Pearl Street  
New York, NY 10007

Re: Natural Resources Defense Council v. Pruitt, 18 Civ. 613 (WHP)

Dear Judge Pauley:

This Office represents defendant Scott Pruitt, in his official capacity as Administrator of the United States Environmental Protection Agency (the “Government”) in the above-referenced action commenced by plaintiff Natural Resources Defense Council, Inc. (“NRDC”) under the Administrative Procedure Act. I write respectfully to request an adjournment of the initial conference scheduled on April 11, 2018, at 9:30 p.m. This is the Government’s second request for an adjournment of the initial conference. NRDC’s counsel consents to this request. The reasons for the request are set forth below.

On March 23, 2018, one week before the Government’s response to NRDC’s complaint was due on March 30, 2018, NRDC filed its First Amended Complaint [Dkt. No. 13].<sup>1</sup> Pursuant to Fed. R. Civ. P. 15(a)(3), the filing of the First Amended Complaint automatically extends the Government’s deadline to answer or respond to NRDC’s amended pleading to April 6, 2018. The Government anticipates filing a pre-motion conference letter on or before the new response date of April 6, 2018, as required by Your Honor’s Individual Practices, with NRDC’s response to the pre-motion conference letter due on or before April 13, 2018. Accordingly, to accommodate the extended filing dates for the Government’s pre-motion letter and NRDC’s response to it, the parties believe that the April 11, 2018 conference should be adjourned to April 23-26, May 2-4, or to some other date that is convenient for the Court and the parties, and converted to a pre-motion conference after the Government has filed its pre-motion conference letter and NRDC has had an opportunity to respond.

We thank the Court for its consideration of this request.

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<sup>1</sup> By minute entry dated March 26, 2018, the Clerk of the Court rejected the First Amended Complaint as untimely, and directed NRDC to re-file its amended pleading by attaching the Government’s written consent or an order from the Court granting leave to file. The Government has consented to the filing of NRDC’s First Amended Complaint.

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Respectfully submitted,

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United States Attorney

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cc: **Via ECF**  
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Thomas Zimpleman, Esq.  
*Counsel for Plaintiff Natural Resources Defense Council, Inc.*